

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED *fer*
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JAN 19 2006

JOHN F. CORCORAN, CLERK
BY: *HMcDonnell*
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RICKY DARDEN,
Petitioner,

v.

B.A. BLEDSOE, et al.,
Respondent.

)
) Civil Action No. 7:06-cv-00018
)
) FINAL ORDER
)
)
) By: Hon. Jackson L. Kiser
) Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that the petition for writ of habeas corpus filed by the petitioner, pursuant to 28 U.S.C. § 2241, is construed as a motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 and

DISMISSED without prejudice as successive.

The Clerk shall strike the action from the active docket of the court, and send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 19th day of January, 2006.

Jackson L. Kiser
Senior United States District Judge